

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JAMES HAYDEN,

Plaintiff,

v.

2K GAMES, INC. and TAKE-TWO
INTERACTIVE SOFTWARE, INC.,

Defendants.

CASE NO. 1:17-cv-02635-CAB

**MOTION TO MOVE THE
SETTLEMENT CONFERENCE DATE**

Defendants 2K Games, Inc. and Take-Two Interactive Software, Inc. (collectively, “Take-Two”) request that this Court enter an order adjourning the settlement conference date from its current date, November 7, 2019, to such time after the winter holidays as is convenient for the Court. This motion is not made for the purposes of delay. Take-Two requires additional time to complete fact depositions, and both Take-Two and James Hayden (“Plaintiff”) each have requested that the deadline for fact depositions be extended to December 20, 2019. Those requests were referred to Magistrate Judge Jonathan Greenberg, along with the parties’ discovery disputes. Dkt. No. 38. With additional time, Take-Two anticipates taking the depositions of two important fact witnesses, one of whom was purportedly present at the time the works at issue were created, and thus, Take-Two will not have all the facts it needs to engage in a meaningful settlement discussion by the time of the settlement conference. On October 23, 2019, Take-Two reached out to Plaintiff for Plaintiff’s consent to file this Motion and on October 25, 2019, Plaintiff refused to consent.

As the Court’s July 19, 2019 Scheduling Order (Dkt. No. 27) contemplated that fact discovery would be concluded prior to the settlement conference and the completion of fact

depositions will better enable the parties to discuss facts and issues pertinent to this litigation at the settlement conference, Take-Two requests that the settlement conference be adjourned to the Court's next available date after January 6, 2019 and moves that the Court enter the accompanying proposed order.

Respectfully submitted,

Dated: October 28, 2019

/s/ Dale M. Cendali

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CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2019, a copy of the foregoing was filed electronically. Notice of this filing was sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt, and parties may access this filing through the Court's system.

/s/ Dale M. Cendali

Dale M. Cendali